UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

mw

	Application No.	Applicant(s)
Office Action Summary	10/811,708	THOMPSON, JIM
	Examiner	Art Unit	
	Matthew S. Lindsey	4152	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 March 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-36* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 March 2004* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date *15 August 2005*.
4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-36 are pending in this application.

Drawings

2.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 325, 335, 340.

3.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 520, 525, 530, 535, and 540.

4.   Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of

any required corrective action in the next Office action. The objection to the drawings

will not be held in abeyance.

Claim Objections

5.   Claims 2-16, 18-24, 26-29, 31-34, and 35-36 are objected to because of the

following informalities: All dependent claims should be prefaced with the word 'the' not

'a' since the method or system referred to in the dependent claims refers to the method

or system established in the independent claim on which they rely. Appropriate

correction is required.

Claim Rejections - 35 USC § 112

6.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

7.   Claims 1-2 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

8.   With respect to Claim 1, it is unclear whether the term "the networkable device"

(line 10) refers to "the networkable device" of line 5 or "another networkable device" of

lines 6-7 or both.

9.   With respect to Claim 2, it is unclear to which networkable device, or both, the

phrase "the networkable device" (lines 20, 24) refers to.

Claim Rejections - 35 USC § 102

10.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11.   Claims 1-15, and 17-36 are rejected under 35 U.S.C. 102(b) as being

anticipated by Primm et al. (Pub. No: WO 02/060124 A2), hereinafter Primm.

12.   With respect to Claim 1, Primm discloses: "A method of managing

communication between a networkable device and a supervisory device configured to

monitor and/or control the networkable device (Abstract, lines 1-2), the method

comprising: transmitting an affiliation request message from the networkable device

(Page 11, lines 30-31), the affiliation request message requesting an affiliation request

response from another networkable device (Figure 5, object 56); determining an

affiliation request response status for the transmitted affiliation request message (Page

12, lines 4-7); transitioning the networkable device to an affiliation state responsive to

the determined affiliation request response status (Page 12, lines 13-15); and

communicating between the networkable device and the supervisory device based on

the affiliation state (Page 12, lines 15-18)".

13.   With respect to Claim 17, Primm discloses: "A method of managing

communications of an uninterruptible power supply (UPS) (Abstract, lines 1-2, where

the "network appliance" may be a UPS as shown on Page 17, lines 19-22), the method

comprising: transmitting an affiliation request message from the UPS, the affiliation

request message requesting an affiliation request response from another networkable

device (Page 11, lines 30-31, Figure 5, object 56); determining an affiliation request

response status for the transmitted affiliation request message (Page 12, lines 4-7);

transitioning the UPS to an affiliation state responsive to the determined affiliation

request response status (Page 12, lines 13-15); and communicating between the UPS

and a supervisory device configured to control and/or monitor the UPS based on the

affiliation state(Page 12, lines 15-18)".

14.   With respect to Claim 25, Primm discloses: "A device, comprising: functional

electronic circuitry (Figure 8, "Programmable Circuitry" 114); and a communication

circuit operatively associated with the functional electronic circuitry (Figure 8, "Network

Interface" 116) and configured to transmit an affiliation request message requesting an

affiliation request response from a networkable device (Page 11, lines 30-31, Figure 5,

object 56), to determine an affiliation request response status for the transmitted

affiliation request message (Page 12, lines 4-7), to transition to an affiliation state

responsive to the determined affiliation request response status (Page 12, lines 13-15),

and to communicate with a supervisory device regarding the functional electronic

circuitry based on the affiliation state (Page 12, lines 15-18)".

15.   With respect to Claim 30, Primm discloses "An uninterruptible power supply

(UPS) (Page 17, lines 19-22), comprising: power conversion circuitry (It is inherent to

function as a UPS that the UPS is able to convert from utility power to some other form

of power in the event of a power failure of the utility power); and a communication circuit

operatively associated with the power conversion circuitry (Figure 8, "Network Interface"

116) and configured to transmit an affiliation request message requesting an affiliation

request response from a networkable device (Page 11, lines 30-31, Figure 5, object 56),

to determine an affiliation request response status for the transmitted affiliation request

message (Page 12, lines 4-7), to transition to an affiliation state responsive to the

determined affiliation request response status (Page 12, lines 13-15), and to

communicate with a supervisory device regarding the power conversion circuitry based

on the affiliation state (Page 12, lines 15-18)".

16.   With respect to Claim 34, Primm discloses: "A computer program product for

managing communication between a networkable device and supervisory device

configured to monitor and/or control the networkable device (Abstract, lines 1-2), the

computer program product comprising program code embodied in a computer readable

medium, the program code comprising: program code configured to transmit an

affiliation request message from a networkable device (Page 11, lines 30-31), the

affiliation request message requesting an affiliation request response from another

networkable device (Figure 5, object 56); program code configured to determine an

affiliation request response status for the transmitted affiliation request message (Page

12, lines 4-7); program code configured to transition the networkable device to an

affiliation state responsive to the determined affiliation request response status (Page

12, lines 13-15); and program code configured to route communications between the

networkable device and a supervisory device based on the affiliation state (Page 12,

lines 15-18)".

17.   With respect to Claims 2, 18, 26, 31, and 35, Primm discloses: "wherein the

networkable device comprises a first networkable device (Figure 3, "Network Appliance

B"); wherein determining an affiliation request response status comprises receiving at

least one affiliation request response message identifying a second networkable device

(Page 11, lines 36-37, 39-41 and line 1 on Page 12); wherein transitioning the

networkable device to an affiliation state comprises adopting a governed state for the

first networkable device with respect to the second networkable device responsive to

receiving the at least one affiliation request response message (Page 12, lines 13-18);

and wherein communicating between the networkable device and the supervisory

device comprises communicating between the first networkable device and the

supervisory device via the second networkable device responsive to the governed state

of the first networkable device (Page 15, lines 22-26)".

18.   With respect to Claim 3, Primm discloses: "A method according to Claim 2

wherein receiving at least one affiliation request response message identifying a second

networkable device comprises receiving respective affiliation responses to the affiliation

request message from respective ones of a plurality of second networkable devices

(Page 12, lines 19-22); and wherein adopting a governed state comprises: selecting one

of the second networkable devices (Page 12, lines 22-23); and adopting a governed

state for the first networkable device in relation to the selected second networkable

device (Page 12, lines 13-18)".

19.   With respect to Claim 4, Primm discloses: "A method according to Claim 3,

wherein selecting one of the second networkable devices comprises selecting one of

the second networkable devices based on at least one attribute thereof according to a

predetermined selection rule (Page 12, lines 19-20, it is inherent that for "the network-

enabled appliance may selectively ping one of the responding peer appliances" that

there is some selection criteria or rule governing the selection)".

20.   With respect to Claim 5, Primm discloses: "A method according to Claim 2,

further comprising: receiving a resignation message from the second networkable

device (Page 10, lines 34-36); adopting a new governed state for the first networkable

device in relation to a third networkable device identified in the resignation message

(Page 11, lines 1-6); and communicating between the first networkable device and the

supervisory device via the third networkable device responsive to the new governed

state of the first networkable device (Page 15, lines 20-26)".

21.   With respect to Claim 6, Primm discloses: "A method according to Claim 2,

wherein communicating between the first networkable device and the supervisory

device comprises communicating status and/or control information regarding the first

networkable device in an electronic message communicated between the second

networkable device and the supervisory device (Page 14, lines 30-32)".

22.   With respect to Claims 7, 21, 27, 32, and 36, Primm discloses: "wherein

determining an affiliation request response status comprises detecting a failure to

receive a response to the affiliation request message according to a predetermined

failure criterion (Page 10, lines 29-32); wherein transitioning the networkable device to

an affiliation state comprises transitioning the networkable device to a governor state

responsive to detecting the failure to receive a response to the affiliation request

message (Page 11, lines 1-6, Figure 4); and wherein communicating comprises

communicating directly between the networkable device and the supervisory device

responsive to the governor state (Page 15, lines 20-22)".

23.   With respect to Claim 8, Primm discloses: "A method according to Claim 7,

wherein the failure criterion comprises at least one of a passage of a response interval

and a number of failures to receive responses to affiliation request messages (Page 10,

lines 29-32)".

24.   With respect to Claim 9, Primm discloses: "A method according to Claim 7,

wherein the networkable device comprises a first networkable device (Figure 4,

"Network Appliance G"), and further comprising: receiving a governor declaration

message from a second networkable device at the first networkable device (Page 11,

lines 8-13); and transitioning the first networkable device to an unaffiliated state

responsive to receiving the governor declaration message (Page 11, lines 8-9)".

25.   With respect to Claim 10, Primm discloses: "A method according to Claim 9,

wherein transitioning the first networkable device to an unaffiliated state comprises

transitioning the first networkable device to the unaffiliated state if the governor

declaration message meets a predetermined criterion (Page 11, lines 10-13)".

26.   With respect to Claim 11, Primm discloses: "A method according to Claim 9,

further comprising transmitting at least one resignation message to at least one third

networkable device responsive to receiving the governor declaration message (Page

10, lines 34-37)".

27.   With respect to Claims 12, 22, 28, and 33, Primm discloses: "wherein the

networkable device comprises a node of an internet protocol (IP) network (Page 8, lines

9-12)".

28.   With respect to Claims 13 and 23, Primm discloses: "wherein transmitting an

affiliation request message comprises broadcasting the affiliation request message to

devices of a first subnet including the networkable device (Page 12, lines 19-21)".

29.   With respect to Claims 14 and 24, Primm discloses: "wherein transmitting an

affiliation request message comprises broadcasting the affiliation request message to

devices of a second subnet via a repeater node in the first subnet (Page 11, lines 30-31,

where "the network" is defined as "These forms may include a global network, wide-

area network (WAN), local area network, and wireless network, among others." lines 7-9

on page 8, and it is inherent to function that a global network will have repeater nodes)".

30.   With respect to Claims 15 and 29, Primm discloses: "wherein the networkable

device comprises an uninterruptible power supply (Page 17, lines 19-22)".

31.   With respect to Claim 19, Primm discloses: "A method according to Claim 18,

wherein communicating between the UPS and the supervisory device via the second

networkable device comprises including status and/or control information regarding the

UPS in an electronic message communicated between the second networkable device

and the supervisory device (Page 7, lines 14-17)".

32.   With respect to Claim 20, Primm discloses: "A method according to Claim 18

wherein the second networkable device comprises a second UPS (Page 17, lines 19-22

discloses that a network appliance can be a UPS, so it is implicit that in a second

network device may be a second UPS)".

Claim Rejections - 35 USC § 103

33.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

34.   Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Primm as applied to Claim 1, in view of Young et al. (Pub. No. US 2003/0197723),

hereinafter Young.

35.   With respect to Claim 16, Primm discloses: "A method according to Claim 1,

wherein transmitting an affiliation request message comprises transmitting the affiliation

request message over at least one of a wireless transmission medium (Page 8, line 9),

a wireline transmission medium (Page 8, line 8)" but does not disclose "and an optical

transmission medium".

However, Young discloses: "and an optical transmission medium ([0018], lines 3-

6)"

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the network appliance management system of Primm with the

teachings of Young to include optical transmission support. Motivation for combining

these references comes from using optical transmission medium in a global network to

efficiently route high bandwidth across long distances. The "global network" of Primm

on Page 8, line 8, can take advantage of routing high bandwidths across long distances

with optical transmission. Therefore by combining the network appliance management

system of Primm with the optical transmission support of Young, one can efficiently use

high bandwidth across long distances to communicate between devices.

Conclusion

36.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure:

      a.   Kadoi et al. (Patent No. US 7,181,630 B2) teaches a UPS managing

system that generates and displays a connection tree.

      b.   Kuiawa et al. (Pub. No. US 2003/0033550) teaches monitoring a plurality

of UPS devices over a network at a central location using icons.

c.   Hammond et al. (Patent No. US 6,865,685 B2) teaches an event

notification system for a plurality of power supplies connected to a computer.

d.   Hammond et al. (Patent No. US 7,082,541 B2) teaches internet based

method for monitoring multiple UPS devices.

e.   Slemmer et al. (Patent No. US 6,795,404 B2) teaches a device

aggregation system with remote monitoring.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Matthew S. Lindsey whose telephone number is (571)

270-3811. The examiner can normally be reached on Mon-Thurs 7:30-5, Alternate

Fridays 7:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Nabil El-Hady can be reached on (571) 272-3963. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MSL
11/19/2007

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